

## **REMARKS**

### **I. Status and Disposition of the Claims**

In the instant Application, claims 25-48 are pending. Claims 1-24 are canceled. Of the pending claims, claims 25, 31, 33, 39, and 41 are independent and claims 25, 27-28, 31-32, 33, 39-41, 43-44, and 47-48 have been amended.

In the outstanding Office Action<sup>1</sup> ("Office Action"), the Examiner rejected claims 31 and 39 under 35 U.S.C. § 112, second paragraph, as "being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention." Office Action at pages 3-4. The Examiner also rejected claims 25, 27-31, 33, 35-39, 41, and 43-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2002/0184224 A1, Haff et al. ("*Haff*") in view of U.S. Patent No. 7,030,875 B2, to Gupta et al. ("*Gupta*"). *Id.* at pages 4-9. Lastly, the Examiner rejected dependent claims 26, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Haff* and Gupta in view of U.S. Application Publication No. 2004/0002790 A1, Senn ("*Senn*"). *Id.* at page 9.

### **II. Amendments to the Claims**

Independent claim 31 has been amended to remove the "means plus function" language previously present. Accordingly amended claim 31 recites, in relevant part:

a content storage unit for storing at least one of data to be supplied to the robot apparatus and programs to be supplied to the robot apparatus;

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

a first receiver for receiving an inquiry comprising a service request ... and information pertinent to the robot apparatus from the robot apparatus ...;

a preparer for preparing a list of data or programs based on services requested by the user in the service request and the information of the robot apparatus and for returning the list to the robot apparatus;

a second receiver for receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs are needed by the robot apparatus for the robot apparatus to render the services requested;

a specifying unit for specifying needed functions for the robot apparatus to render the services requested; and

a comparing unit for comparing the needed functions to the list of functions to determine functions deficit in the robot apparatus, among the needed functions;

a retriever for retrieving one or more objects of functional objects corresponding to the functions in deficit, from an object storage unit for storing functional objects utilized by the robot apparatus; and

a transmitter for transmitting the objects and the selected data or programs to the robot apparatus.

(Emphasis added).

Claims 27 and 28 was also amended to remove "means plus function" language previously present. Amended claim 27 recites, in relevant part, "a matching unit for matching the inquiry and the supplementary information" (Emphasis added), and amended claim 28 recites, in relevant part, "a returning unit for returning, in response to the selection from the list, an access method for accessing the selected data or programs to the robot apparatus." (Emphasis added).

Support for the above amendments may be found at least at Fig. 1 (component 120), and in the following paragraphs of Applicant's Specification: [0013]-[0015], [0018]-[0019], [0021], [0028]-[0029], [0057], [0059]-[0061], [0077], [0080]-[0082], [0089]-[0093],

[0098], [0101], [0103]-[0104], [0114]-[0116], [0118], [0152], [0172]. Claims 25, 32, 38-39, 41, 43, 44, 47-48 were similarly amended.

Additionally, claim 31 was also amended to recite, in relevant part:

a first receiver for receiving an inquiry comprising a service request, prepared via interaction between the robot apparatus and a user, and information pertinent to the robot apparatus from the robot apparatus, wherein the information pertinent to the robot apparatus comprises a list of functions of the robot apparatus;

(Emphasis added). Support for the above amendments may be found at least in Applicant's Specification at paragraph [0112]-[0116], and [0135]-[0144]. Claims 25, 33, 39 and 41 were similarly amended. Accordingly, no new matter is introduced.

### **III. Claims Rejections Under 35 U.S.C. § 112, Second Paragraph**

Applicant respectfully traverses the Office Action's rejection of claims 31 and 39 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected Applicant's claims 31 and 39 under 35 U.S.C. § 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office Action at page 3. Particularly, with regard to claim 39, the Examiner notes that "[t]here is no antecedent basis for the phrase 'the list of functions'", on line 17 of the claim. *Id.* As a result, according to the Examiner, there is "uncertainty as to the differentiation between the list recited in line 5 and the list recited in line 17" of claim 39. *Id.* The Examiner further states that his observations with regard to claim 39 apply to claim 31 as well.

To address the Examiner's above-noted concerns, Applicant has amended claim 39 to recite, in relevant part, "receiving, from the robot apparatus, an inquiry comprising

a service request ... and information of the robot apparatus, wherein the information of the robot apparatus comprises a list of functions of the robot apparatus." Claim 31 has been similarly amended.

The above-recited amendment to claim 31 and 39 provides clear antecedent bases for the phrase "the list of functions," and therefore addresses the Examiner's rejection of claims 31 and 39 under 35 U.S.C. § 112, second paragraph. In light of these amendments, Applicant respectfully requests that the rejection of claims 31 and 39 under 35 U.S.C. § 112 be withdrawn.

#### **IV. Claims Rejections Under 35 U.S.C. § 103(a)**

The Office Action rejected claims 25, 27-31, 33, 35-39, 41 and 43-46 under 35 U.S.C. § 103(a). Applicant respectfully traverses these rejections, and notes that a *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." MPEP § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted) (emphasis added). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." MPEP § 2141(II). In rejecting a claim, "Office personnel must explain why the

difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” MPEP § 2141(III).

Here, as detailed below, a *prima facie* case of obviousness has not been established with regard to any of the rejected claims. The scope and content of the prior art has not been properly determined, and therefore, the differences between the claimed invention and the prior art has not been properly ascertained. Accordingly, there has been no clear articulation of the reasons why the prior art would serve to render the claimed invention obvious to one of ordinary skill in the art.

**A. The rejection of claims 25, 27-31, 33, 35-39, 41 and 43-46 under 35 U.S.C. § 103(a) for obviousness over *Haff* in view of *Gupta* should be withdrawn.**

The Office Action rejected Applicant’s claim 33 under 35 U.S.C. §103(a) as being unpatentable over *Haff* in view of *Gupta*. See Office Action at page 5-6. But *Haff* and *Gupta*, whether considered alone or in combination, do not teach or suggest all of the elements recited in claim 33.

First, *Haff* and *Gupta* do not teach or disclose, “receiving, from the robot apparatus an inquiry comprising a service request, prepared via interaction between the robot apparatus and a user,” as recited in amended claim 33. The Examiner asserts that *Haff* teaches “receiving, from the robot apparatus an inquiry comprising a service request,” and cites *Haff*’s paragraph [0166] in support of this assertion. Office Action at page 5. Particularly, the Examiner analogizes the “inquiry” in the above element of claim 33 to the “index request” disclosed in *Haff*. *Id.* However, the “index request” in *Haff* is not analogous to Applicant’s “inquiry” in the above-identified element of claim 33, at

least because *Haff's* "index request" does not comprise "a service request, prepared via interaction between the robot apparatus and a user," as is required by amended claim 33. Moreover, in no portion of *Haff* is there a teaching or disclosure of anything analogous to Applicant's "inquiry" that comprises "a service request, prepared via interaction between the robot apparatus and a user." Additionally, *Gupta* fails to cure this deficiency of *Haff*, and indeed the Examiner does not assert that *Gupta* teaches the above-identified limitation of amended claim 33.

Second, *Haff* and *Gupta* do not teach or disclose, "receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs are needed by the robot apparatus to comply with a request of a user," as recited in claim 33. The Examiner asserts that *Haff's* paragraph [0171] discloses "receiving a selection of data or programs from the list from the robot apparatus." Office Action at page 6. Particularly, the Examiner emphasizes the following disclosure in *Haff's* paragraph [0171]: "when a PC destination receives a request for one or more files in an index ... a control module ...copies and compresses the files contained in the received request, creates a packet file and passes the packet to the pending events file." *Id.* But even if, assuming *arguendo*, *Haff's* paragraph [0171] discloses "receiving a selection of data or programs from the list from the robot apparatus," and Applicant does not concede that it does, neither *Haff's* paragraph [0171], nor elsewhere in *Haff* is there any teaching or disclosure of "receiving a selection of data ... wherein the selected data or programs are needed by the robot apparatus to comply with a request of a user," as is additionally required by Applicant's claim 33. Indeed, even the Examiner fails to assert that any portion of *Haff* teaches the above identified limitation.

Again, *Gupta* fails to cure this deficiency of *Haff*, and indeed the Examiner does not assert that *Gupta* teaches the above-identified limitation of claim 33.

As *Haff* and *Gupta* fail to teach or disclose at least the above identified elements of Applicant's amended independent claim 33, claim 33 is not rendered obvious by these references. Independent claims 25, 31, 39, and 41, although of different scope, contain elements similar to the quoted elements of claim 33 that are not disclosed by *Haff* and *Gupta*. Therefore, like claim 33, claims 25, 31, 39, and 41 are also patentable over *Haff* and *Gupta*. Moreover, dependent claims 27-30, 35-38, and 43-46 are also patentable over these references, at least by virtue of their dependence from claims 25, 33, 41.

**B. The rejection of claims 26, 34, and 42 under 35 U.S.C. § 103(a) for obviousness over *Haff* and *Gupta* in view of *Senn* should be withdrawn.**

The Office Action rejected claims 26, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Haff* and *Gupta* in view of *Senn*. See Office Action at 9. Claims 26, 34, and 42 depend from independent claims 25, 33, and 41, respectively. As previously explained with regard to independent claim 33, neither *Haff* nor *Gupta* teaches or discloses "receiving, from the robot apparatus an inquiry comprising a service request, prepared via interaction between the robot apparatus and a user" as recited in independent claim 33. Similarly, neither *Haff* nor *Gupta* teaches "receiving a selection of data or programs from the list from the robot apparatus, wherein the selected data or programs are needed by the robot apparatus to comply with a request of a user," as recited in independent claim 33. *Senn* does not make up for the

deficiencies in *Haff* and *Gupta*, and indeed the Examiner does not contend that *Senn* teaches the above-recited elements of claim 33.

Since the above quoted elements of independent claim 33 are not disclosed by *Haff*, *Gupta*, or *Senn*, and independent claims 25 and 41, although of different scope, contain elements similar to the above-quoted elements of claim 33 that are not disclosed by *Haff*, *Gupta*, or *Senn*, independent claims 25, 33 and 41 are each patentable over *Haff*, *Gupta* and *Senn*. As a result, claims 26, 34, and 42 are also patentable over *Haff*, *Gupta*, and *Senn*, at least due to their dependence from claims 25, 33, and 41.

## **V. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 23, 2010

By: /David W. Hill/  
David W. Hill  
Reg. No. 28,220